

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
GAINESVILLE DIVISION**

SHAWN M. KESLING,

Petitioner,

v.

Case No. 1:20-cv-143-AW-MAF

STATE OF FLORIDA,

Respondent.

ORDER ADOPTING REPORT AND RECOMMENDATION

Shawn Kesling is serving a state sentence in Idaho. He was earlier serving his Florida probationary sentence in Idaho pursuant to an Interstate Compact. The same conduct that led to his current Idaho prison sentence also led to a Florida warrant for a probation violation. That led to the Florida Department of Corrections' lodging a detainer with Idaho authorities. Kesling has filed a § 2241 petition to contest that detainer. ECF No. 1.

The State filed a response, contending that the petition is untimely and also fails on the merits. ECF No. 12. Kesling had an opportunity to file a reply, but he filed none. The magistrate judge then issued a report and recommendation concluding the petition should be dismissed as untimely or, alternatively, denied on the merits. ECF No. 25. Kesling requested (and received) an extension of time to file objections, but he has filed none.

I have carefully considered the report and recommendation, and I agree with the magistrate judge and the State that the petition is untimely. It will be dismissed on that basis. I therefore need not address the merits.

I now adopt the report and recommendation¹ and incorporate it into this order. The clerk will enter a judgment that says, “The § 2241 petition is dismissed as untimely.”

A certificate of appealability is DENIED. The clerk will close the file.

SO ORDERED on May 23, 2023.

s/ Allen Winsor
United States District Judge

¹ Because I do not address the merits, I do not adopt or incorporate into this order the portion of the report and recommendation under the “Merits” heading (pages 11-16). I otherwise incorporate it in full.